

Michelle Mott

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ORDINANCE NO. O-2001-68

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BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE ENTITLED: *MARY L. SLINKARD
CO. CLERK
BENTON COUNTY, ARK*

AN ORDINANCE AMENDING CHAPTER VII ENTITLED "INFORMAL PLATS" OF BENTON COUNTY'S DEVELOPMENT REGULATIONS PUBLISHED AS "*REGULATION, STANDARDS AND SPECIFICATIONS FOR THE SUBDIVISION, CONVEYANCE, DEVELOPMENT, AND IMPROVEMENT OF UNINCORPORATED LAND IN BENTON COUNTY, ARKANSAS*" AS ADOPTED BY ORDINANCE NO. O-98-53

WHEREAS, after having received public comments and input regarding amendment to the County's Informal Plat Regulations, and a report from the Benton County Planning Board, the Quorum Court desires that the regulations be amended.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

Article 1. The document entitled "*Regulation, Standards And Specifications For The Subdivision, Conveyance, Development, And Improvement Of Unincorporated Land In Benton County, Arkansas*" as amended by Ordinance No. O-98-53 and published by the Benton County Planning Board Revised Edition 7/22/1998 is further amended by changing Chapter VII-Informal Plats.

Article 2. That such Chapter VII as promulgated by the County Planning Board dated September 24, 2001 is hereby adopted and incorporated herein as if set out herein word for word. That a copy of such Chapter VII amended herein is on file in the office of the County Clerk of Benton County, Arkansas for public inspection.

APPROVED:

Gary D. Black

GARY D. BLACK, COUNTY JUDGE
DATE SIGNED: 12-03-01

ATTEST:

Mary L. Slinkard

MARY L. SLINKARD, COUNTY CLERK

SPONSOR: JP Jerry Sheridan

DATE ADOPTED: November 29, 2001

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**CHAPTER VII
INFORMAL PLAT SUBDIVISION
September 24, 2001**

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MARY L. GLINERD
CLERK
BENTON COUNTY, ARK

Introduction: The special rules and regulations regarding the informal plat subdivision process are intended to generally create a procedure allowing certain qualified land developers to by-pass the formal procedures set forth in the subdivision ordinances. Generally, informal plat subdivisions may be presented on a single plat, which shall be identified as "Informal Plat Subdivision". The informal plat subdivision is created to give relief to tract owners wishing to develop tracts in excess of two (2) acres but smaller than five (5) acres where the impact of roads and drainage are believed to be minimal to the existing infrastructure. The informal plat subdivision is designed for only one single family dwelling on each lot. Multi-family uses or placing more than one single-family dwelling unit on any one lot is prohibited. Only one manufactured home or mobile home may be placed on a lot. Benton County and the Benton County Planning Board reserve the right to deny, modify, or apply existing subdivision procedures to all informal plat subdivisions. Any provision in the Informal Plat Subdivision is subject to waivers and or variances on approval from the Benton County Planning Board.

SECTION 1. Criteria. The division of a lot, tract, or parcel of land into three (3) or more lots or other division of land for the purpose of transferring ownership to non-record titleholders or the development or extension of utilities, dedication of easements, or rights-of-ways where the parcels are not less than two (2) acres nor greater than four point ninety-nine (4.99) acres may be processed as an informal plat.

SECTION 2. Procedure. Informal plats may be submitted to the Benton County Planning Board after payment of applicable filing fees. Presentation of a preliminary plat or a final plat may be unnecessary. The developmental plat of the informal plat subdivision shall contain a survey of the property to be developed and shall depict all lots, easements, improvements, drainage improvements, and all other requirements as might from time to time be designated by the Benton County Planning Board or the Benton County Quorum Court.

SECTION 3. Plat Requirements.

- a. All lots of any phase development of informal plat subdivision shall show all street improvements, drainage improvements, easements, rights-of-way, and all other encroachment or other restrictions on the property in final form. The lots shall be designated lot one and so forth. Boundaries for each and every lot shall be clearly marked and further described with a corresponding metes and bounds legal description. All lots bordering a street or street right-of-way shall be subject to a minimum street or road right-of way as set forth herein.
- b. Each informal plat subdivision shall be given a separate assigned name that must be approved by the 911 administration office. No informal plat subdivision can have a

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name confusingly similar to any other existing Benton County land development where the same is a subdivision, plat, development or non-entity.

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- c. Recordation. Upon approval of an informal plat subdivision by the Benton County Planning Board, the entire plat shall be recorded and filed of record in the office of the Benton County Circuit Clerk and Ex-Officio as such is deemed necessary and proper by the Benton County Planning Board.

Items on recorded plat must at least contain the following items:

- 1.) Covenant clause restricting future lot splits.
- 2.) Covenant clause indicating the method of maintenance of the roads.
- 3.) Private Road Disclosure Statement.

SECTION 4. Road Standard.

- a. Rights-of-way. All roads in an informal plat subdivision require a minimum of a fifty (50) Foot right-of-way. Generally, all existing ordinances in Benton County road standard apply with the exception that privately maintained roads which are offered pursuant to a Benton County private road disclosure statement may be built to a minimum of a sixteen (16) foot cleared and developed road surface where terrain permits. Additional wider places in the road allowing emergency equipment to pass may be required. The requirement of a sixteen (16) foot clear developed road surface may be subject to a variance upon a showing of hardship caused by existing terrain, topography, slope, and other geographical factors normally associated with Benton County development. Cul-de-sacs or dead end roads having less than six (6) homes may be subject to a reduced minimum standard width upon application to the Benton County Planning Board. All dead end streets shall end in a cul-de-sac having a minimum diameter of seventy-five (75) feet cleared and leveled road surface, where terrain permits.
- b. Road Name. The names of all roads, whether public or private, and regardless to what standard constructed, excluding singular private driveways, shall be subject to the same naming process utilized by the Benton County 911 Administration Office. Under no circumstances shall an access easement or private drive be allowed to serve as a private road for an informal plat subdivision.
- c. Drainage. A licensed professional engineer shall demonstrate under statement/sealed document that all proposed roads shall have suitable drainage, ditches, and culverts so as to insure that the road will not wash out in inclement weather nor become impassable. This requirement shall be subject to a written request for waiver. The burden of demonstrating no adverse drainage impact is on the developer.
- d. Maintenance. Public roads built to county standards which are dedicated to and accepted by Benton County, Arkansas shall be maintained by the county. All other roads shall be considered open public roads subject to private maintenance. Such private maintenance shall be the duty and the responsibility of the owner/developer as

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such might be delegated or assigned, in orderly fashion, to the ultimate purchaser or grantee to the individual lots of the informal plat subdivision. No lot of any Benton County informal plat subdivision may be conveyed unless and except a Benton County private road disclosure statement is first personally delivered by the owner/developer prior to the closing transaction and delivery of such is certified to the Benton County Planning Board. All such privately maintained roads shall be acknowledged as being maintained by the property owners' association or individual entity responsibility therefor. Under no circumstances shall the Benton County Road Department or Benton County be responsible for the maintenance, safety, or upkeep of any such privately maintained road.

- e. County Road Intersection: Any and all intersections of a proposed road, whether built to county standards or not, and whether maintained by Benton County or privately, must be approved in writing by the Benton County Road Department prior to approval of the informal plat subdivision.
- f. Completion. All improvements must be complete or substantially complete; or, in lieu thereof, a sufficient bond posted before the informal plat subdivision shall be approved and any lots sold.
- g. Fire Department Notification. As a pre-condition for acceptance, the owner/developer must either: (A) produce a letter from the applicable fire department having jurisdiction over the informal plat subdivision stating that the development is within its boundaries or service area; or, (B) produce a certified letter to the fire department serving notice of the development being within its boundaries or service area. (proof of delivery must be filed in the Planning Office)

SECTION 5. Covenant Against Lot Split. All informal plats shall have stamped clearly and boldly on their face the following covenant:

Any grantee or subsequent grantee or assign of any right, title, or interest in any lot herein is expressly prohibited from any further lot split that would reduce any lot to less than two (2.00) acres. Such promise is in the nature of a covenant to run with the land. Such covenant shall be irrevocably deemed to be released and satisfied without any other further action at that point in time that the road providing primary access to any such lot herein is improved to minimum county standards and water service is provided to said lot.

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SECTION 6. Special Procedure for Two (2) Acre Lots. On application, the Benton County Planning Board may entertain and approve Benton County informal plat subdivisions containing lots smaller than three (3) acres but greater than two (2) acres where roads serving such smaller lots meet the required minimum of a sixteen (16) foot cleared and developed road surface. In addition, the road serving such smaller lots must have a defined roadside ditch and shoulder. The special requirements governing lots less than three (3) acres but greater than two (2) acres will only permit such development of lands which are relatively free and clear of any and all drainage problems.

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L. SLINGERD
CLERK
BENTON COUNTY, ARK